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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JAMES M. SMITH, JR., ET AL :
VERSUS : CIVIL ACTION NO. CV08-01554
ROCKNIE STELLY, ET AL : JUDGE HAIK, MAG. METHVIN

CONSENT JUDGMENT

By agreement of counsel and considering the **Motion to Strike Penalty, Punitive, and Exemplary Damages** previously filed on behalf of OFFICER PATRICK HARDY, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE VILLAGE OF MAURICE [Court Doc. #13];

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the **Motion to Strike Penalty, Punitive, and Exemplary Damages** filed on behalf of OFFICER PATRICK HARDY, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE VILLAGE OF MAURICE be and it is hereby GRANTED IN PART, as there is no Louisiana state statute that allows for the recovery of punitive or exemplary damages in this matter, and that pursuant to *City of Newport v. Fact Concerts, Inc.*, 101 S.Ct. 2748 (1981), punitive damages cannot be recovered from OFFICER PATRICK HARDY, IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE VILLAGE OF MAURICE, and that Plaintiffs' claims against OFFICER PATRICK HARDY, IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE VILLAGE OF MAURICE for punitive damages be stricken from the record of these proceedings. Otherwise, defendant's motion is DENIED, insofar as plaintiffs may be able to

recover penalty, punitive or exemplary damages against OFFICER PATRICK HARDY INDIVIDUALLY, should plaintiffs ultimately prevail on their federal law claims under 42 U.S.C.A. §1983, or other federal law claims allowing such damages. Mr. John H. Pucheu, Mr. Freeman Matthews and/or Mr. Timothy Richardson, and Mr. G. Edward Williams, Jr. have given Mr. John F. Wilkes, III the authority to submit this proposed Consent Judgment with their electronic signature.

THUS DONE AND SIGNED this 29th day of January, 2009, at
Lafayette, Louisiana.

JUDGE
R. J. Wilkes

SUBMITTED BY:

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